

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York
By: JEAN-DAVID BARNEA
SARAH S. NORMAND
Assistant United States Attorneys
86 Chambers Street, 3rd Floor
New York, NY 10007
Tel. (212) 637-2679/2709
Email Jean-David.Barnea@usdoj.gov
Sarah.Normand@usdoj.gov

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MARGARET RATNER KUNSTLER,
DEBORAH HRBEK, JOHN GOETZ and
CHARLES GLASS,

Plaintiffs,

v.

No. 22 Civ. 6913 (JGK)

CENTRAL INTELLIGENCE AGENCY,
MICHAEL R. POMPEO, DAVID
MORALES GUILLEN and UNDERCOVER
GLOBAL S.L.,

Defendants.

**NOTICE OF THE GOVERNMENT'S MOTION TO DISMISS PLAINTIFFS'
REMAINING CLAIM BASED ON THE STATE SECRETS PRIVILEGE AND
STATUTORY PRIVILEGES**

PLEASE TAKE NOTICE that, upon the accompanying (i) public, unclassified declaration of Central Intelligence Agency (“CIA”) Director William J. Burns, dated March 27, 2024, (ii) public, unclassified memorandum of law, (iii) *in camera, ex parte* classified declaration of Director Burns, dated March 27, 2024, and (iv) *in camera, ex parte* supplemental classified memorandum of law, defendant CIA, by its attorney, Damian Williams, United States Attorney for the Southern District of New York, hereby moves this Court to dismiss the

remaining claim in this case based on the state secrets privilege and statutory privileges under the National Security Act of 1947 and the Central Intelligence Act of 1949.

Dated: New York, New York
April 15, 2024

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: s/Jean-David Barnea
JEAN-DAVID BARNEA
SARAH S. NORMAND
Assistant United States Attorneys
86 Chambers Street, 3rd Floor
New York, NY 10007
Tel. (212) 637-2679/2709
Email Jean-David.Barnea@usdoj.gov
Sarah.Normand@usdoj.gov

TO: Counsel for all parties (by ECF notification)